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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LARONDA WOODS,

Plaintiff,

vs.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,¹

Defendant.

)
) Case No.: 3:21-cv-0357-CLB

)
) **MOTION FOR EXTENSION OF TIME TO FILE**
) **CERTIFIED ADMINISTRATIVE RECORD AND**
) **ANSWER; DECLARATION OF JEBBY**
) **RASPUTNIS**
) **(FIRST REQUEST)**

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Defendant, Kilolo Kijakazi, Acting Commissioner of Social Security (the “Commissioner”), by
2 and through her undersigned attorneys, hereby moves for a 60-day extension of time to file the Certified
3 Administrative Record (CAR) and answer to Plaintiff’s Complaint. The CAR and answer to Plaintiff’s
4 Complaint are due to be filed by November 23, 2021. This is the Commissioner’s first request for an
5 extension of time.

6 Defendant makes this request in good faith and with no intention to delay proceedings
7 unnecessarily. As described in the attached declaration of Jebby Rasputnis, Executive Director of the
8 Social Security Administration’s Office of Appellate Operations (OAO), dated October 19, 2021,
9 beginning in mid-March 2020, the COVID-19 pandemic significantly reduced the agency’s ability to
10 produce CARs in Social Security cases. Since that time, OAO has been working to overhaul, redo,
11 refine, and streamline business processes to continue operations and meet its mission. In the past year,
12 OAO implemented new processes for preparing hearing transcripts, increased the number of transcription
13 contractors, and redeployed staff, effectively changing the transcript preparation process from one that
14 required in-person exchange of physical CDs into one that can be completed electronically. With
15 expanded vendor capacity, the implementation of new business practices, and the number of new cases
16 filed in federal court returning to normal levels, production of CARs has now returned to normal pre-
pandemic levels.

17 As explained in the attached declaration, any delays in production of CARs are related to the
18 specific case at hand. At present, the CAR is not yet available in this case and Defendant requests an
19 extension in which to respond to the Complaint until January 24, 2022. If Defendant is unable to produce
20 the certified administrative record necessary to file an Answer in accordance with this Order, Defendant
21 shall request an additional extension prior to the due date.

22 The undersigned contact Plaintiff on November 18, 2021 but has not yet received a response.

23 It is therefore respectfully requested that Defendant be granted an extension of time to file the CAR
24 and answer to Plaintiff’s Complaint, through and including January 24, 2022.

1 Dated: November 19, 2021

2 CHRISTOPHER CHIOU
Acting United States Attorney

3 /s/ Sathya Oum
4 SATHYA OUM
Special Assistant United States Attorney

7 IT IS SO ORDERED:

8 
9 UNITED STATES MAGISTRATE JUDGE

10 DATED: November 19, 2021

CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE CERTIFIED ADMINISTRATIVE RECORD AND ANSWER; DECLARATION OF JEBBY RASPUTNIS** by electronically filing the foregoing with the Clerk of the District Court using its ECF System and by U.S. Mail to the following:

LaRonda Woods
4110 Rio Poco Rd.
Reno, NV 89502

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 19, 2021

/s/ Sathya Oum
SATHYA OUM
Special Assistant United States Attorney

DECLARATION OF JEBBY RASPUTNIS
OFFICE OF APPELLATE OPERATIONS
SOCIAL SECURITY ADMINISTRATION

I, JEBBY RASPUTNIS, Executive Director of the Social Security Administration's Office of Appellate Operations (OAO), declare and state as follows:

- 1) My office is responsible for, among other things, preparing certified copies of administrative records (CARs) for Federal court review when claimants appeal the final decisions of the Commissioner of Social Security.
- 2) Beginning in mid-March of 2020, the Social Security Administration (agency) restricted physical access to our buildings because of the COVID-19 pandemic.¹ Since that time, OAO worked to overhaul, redo, refine, and streamline our business processes to continue operations and meet our mission to serve the public. Additionally, during this same period, the number of new cases filed in federal court also increased.² This was a direct result of the agency's initiative to reduce the number of requests for administrative review pending before the Appeals Council, the final step of the administrative process. While we had planned for this increase, the combined effects of the pandemic-related disruptions and the increase in new court filings lead to a significant backlog in CAR preparation.

¹ Since the pandemic began, with the exception of a few staff who attend to various tasks that can only be completed in the office, OAO's staff continues to work remotely each day.

² In the last quarter of fiscal year 2020 and the first quarter of fiscal year 2021, we averaged more than 2,257 new case receipts per month, compared to an average of 1,458 new case receipts in the last quarter of fiscal year 2019 and the first quarter of fiscal year 2020. *See also Chief Justice Roberts' 2020 Year-End Report on the Federal Judiciary, Appendix Workload of the Courts*, available at <https://www.supremecourt.gov/publicinfo/year-end/2020year-endreport.pdf> ("Cases with the United States as defendant grew 16% [in FY20], primarily reflecting increases in social security cases and prisoner petitions.")

- 3) As a result of our many process improvements and the number of new cases filed in federal court returning to normal levels, our pending has now also returned to normal pre-pandemic levels. As of the end of September 2021, OAO had approximately 1,500 pending new court cases, representing a decrease in our backlog of more than 9,500 cases since January 2021.³
- 4) As a result of our efforts the Office of the General Counsel should now, generally, receive the CAR from our office in a timely manner. Moving forward, any delays will be related to the specific case at hand rather than related to workload volume.
- 5) With respect to the small number of our cases, less than 1%, that are kept in paper because the claim originated before the inception of our Electronic Disability Collect System, or because the claim involves something other than disability (e.g. denial of Retirement or Survivor's benefits or denial of a request to waive recovery of overpayment), we continue to make significant progress. Although these cases require additional time because we must still process them by hand⁴ and on site, our minimal on-site staff has been able to timely attend to more of these cases.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 19, 2021

/s/ Jebby Rasputnis
Jebby Rasputnis

³ See [National New Court Cases and Court Remand Activity | Public Data Files \(ssa.gov\)](https://ssa.gov/public-data-files)

⁴ Once a paper claim is located and received in OAO's office, the next step in the process of creating a CAR is the in-office, in person labor of photocopying or scanning each page of evidence in the paper file. This can take several hours or days and can only be done in OAO's office, where records can be kept confidential with agency photocopying and high-speed scanning equipment.